

**BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554**

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In the matter of)
)
Amendment of Part 90 of the)
Commission's Rules to Facilitate)
Future Development of SMR Systems)

PR Docket No. 93-144
RM-8117, RM-8030
RM-8029

Implementation of Sections 3(n))
and 322 of the Communications Act)
Regulatory Treatment of Mobile)
Services)

GN Docket No. 93-252

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Implementation of Section 309 (j))
of the Communications Act -)
Competitive Bidding)
800 MHz SMR)

PP Docket No. 93-253

To: The Commission:

COMMENTS OF THE STATE OF FLORIDA, DIVISION OF COMMUNICATIONS

The Commission's Second Further Notice of Proposed Rulemaking in the above-referenced proceedings specifically solicited comments suggesting provisions for currently licensed non-SMR systems utilizing 800 MHz General Category channels (§ 315). Since the State of Florida, Division of Communications is a licensee on 21 of these channels in the Public Safety Radio Service, we are strongly opposed to any provisions which would negatively impact our existing or planned use of these channels, and hereby submit the following comments on this issue.

Twenty of the General Category channels, licensed to the Division of Communications¹, are designated for trunked use within a statewide digital radio communications system being implemented to serve all of Florida's state law enforcement agencies. These 20 channels were coordinated from the General Category due to the unavailability of channels from the Public Safety Trunked Category at the time applications were filed.

¹ The 20 channels are FCC channel numbers 114 (853.8375 MHz) through 133 (854.3125 MHz) inclusive. A waiver was granted to allow use of these channels in trunked mode.

In addition to these 20 General Category channels, the Division of Communications is licensed for 30 channels under the National Public Safety Plan as reflected in the Florida - Region 9 Plan for Public Safety Radio Communications. Together, these 50 channels are the essential resource to enable realization of our new statewide trunked radio system. Funding for the radio system was authorized by the Florida Legislature in 1988, and construction is now in the second of a five-phase implementation schedule. The total cost of the system is expected to be approximately \$400 million².

The remaining (twenty-first) General Category channel licensed to the Division of Communications (853/808.3875 MHz — FCC channel 96) is used in conventional mode as a statewide mutual aid channel available to all state and local public safety agencies. A waiver was granted to enable licensing without regard to loading to facilitate use of the channel. This channel has been an established resource in Florida's state and local communications planning for over a decade, and is now in use by numerous public safety agencies throughout the state. The channel was well established several years prior to development of the National Public Safety Plan, and continues to serve as an additional mutual aid resource beyond the National Plan, as well as providing a means for mutual aid communications for public safety users in the 806 to 821 MHz band who cannot access National Plan mutual aid channels due to equipment limitations.

Due to the high demand for 800 MHz radio channels throughout most of Florida (the nation's 4th most populous state), spectrum in all of the land-mobile bands has been severely congested on a continuing basis. Each of the FCC's spectrum allocations to public safety over the past three decades has been followed by a flood of new applications quickly resulting in a depletion of available channels. Even the newest National Plan channels are unavailable for new licensing in the central and southern areas of the state where channel demand is highest.

Public safety agencies at all governmental levels in Florida, many of whose systems include channels in the General Category pool, have invested heavily in 800 MHz radio communications over the past two decades. Given the severe budgetary cutbacks affecting all governmental procurement combined with the burden of long budgetary cycles, it is imperative that public safety communications not be required to vacate General Category channels under any circumstances, and that all current flexibility in system modifications (changes in site locations, transmitting parameters, and operating area) be maintained.

Florida's statewide law enforcement 800 MHz trunked radio system in particular has borne extreme difficulties of every sort from initial legislative funding through design, procurement, and construction to arrive at its present successful stage. In order to eventually achieve our objective of providing state-of-the-art radio communications for the state law enforcement community in Florida, we adamantly request that the Commission preserve these

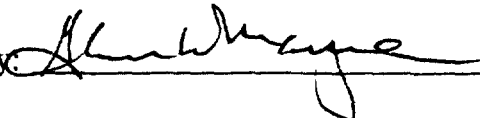
² Expenditures to date for Phase 1 of the project (constructed) are \$24 million. Funding committed for Phase 2 (currently in construction) is nearly \$50 million. These figures include construction and operational costs.

21 General Category channels within Florida for the exclusive use of this radio system, including the necessary flexibility to implement all system changes as are normal and required for a system of this magnitude. We further request that this freedom to continue implementation of the system apply to all its stations throughout the state whether presently constructed or not, and to future additional stations which may be required in order to satisfy the overall objectives of this project. In view of the statewide nature of law enforcement operations on all 21 of these channels, we specifically request that no rule provisions be adopted which would limit our ability in the future to license any stations necessary to provide continuous coverage within the State of Florida and no less than a 22 dBu signal level at the perimeter boundaries with adjacent states.

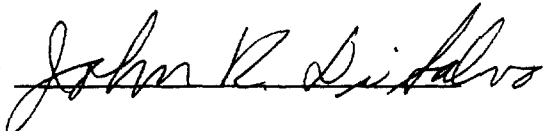
We are encouraged that the Commission has expressed a "tentative" decision not to subject existing General Category licensees to a possible spectrum relocation, but we urge in the strongest terms that public safety licensees such as ourselves continue to be allowed the flexibilities described above on these channels. Failure to maintain these conditions would have a devastating impact upon the future of public safety radio communications in Florida and elsewhere, and specifically upon state law enforcement communications in our particular case.

Respectfully submitted,

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